

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:03-CR-175

v.

HON. ROBERT HOLMES BELL

HANG LE-THY TRAN,

Defendant.

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MEMORANDUM OPINION AND ORDER CONFIRMING
PRIOR SENTENCE AS RESENTENCED TERM

It appears that a jury trial proceeded in this matter of *United States v. Hang Le-Thy Tran* on a two-count Indictment resulting in guilty verdicts on February 13, 2004. The two-count Indictment concerned arson of commercial structures within Kent County, Michigan, on October 23, 2000 and March 25, 2002. The Defendant maintained her innocence during trial, sentencing and, apparently maintains her innocence today.

Trial and sentencing were conducted by Honorable David W. McKeague. On June 9, 2004, Judge McKeague reviewed the Presentence Investigation Report, which contained minimum mandatory sentencing provisions of five years on each count, a total offense guideline range and criminal history category. Having presided at the trial, Judge McKeague, in addition to reviewing the above Guidelines calculations, also indicated he had carefully

considered the factors in 18 U.S.C. § 3553 when sentencing defendant to a term of 72 months as to each of Counts I and II, to be served concurrently, followed by three years of Supervised Release, concurrently on each count. The terms and conditions of Supervised Release were set forth, along with restitution in the amount of \$803,740.94 and waiver of a fine.

This Court concludes Judge McKeague's sentence to be a fair, reasonable and just sentence from three perspectives; the sentence falls within the statutory minimum sentence of 60 months and maximum of 240 months; the sentence falls within the non-mandatory Guideline range of 63 to 73 months; and the sentence takes into consideration the § 3553 criteria, including the nature of the criminal conduct, the history of this Defendant, and the deterrent nature of the sentence.

IT IS SO ORDERED.

Date: November 13, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE